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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/961,234	09/24/2001	William A. Royall JR.	ROY03 001	6263
7590 Duane Morris LLP 1667 K Street, N.W. Suite 700 Washington, DC 20006		05/18/2007	EXAMINER CORRIELUS, JEAN M	
			ART UNIT 2162	PAPER NUMBER
			MAIL DATE 05/18/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

**Application No.**

09/961,234

**Applicant(s)**

ROYALL ET AL.

**Examiner**

Jean M. Corrielus

**Art Unit**

2162

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 01 March 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 6 and 12-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 6, 12-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. This office action is in response to the amendment filed on March 1, 2007, in which claims 6 and 12-14 are presented for further examination.

#### ***Response to Arguments***

2. Applicant's arguments filed on March 1, 2007 have been fully considered but they are not persuasive. (See Examiner's remark).

#### ***Claim Objections***

3. Claim 13 is objected to because of the following informalities: claim 13, step e, line 3, after "database;" please delete --and--. Appropriate correction is required.

#### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 6, and 12-14 rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Noel-Levitz ([WWW.noellevitz.com](http://WWW.noellevitz.com), Newsletter archive, Grading and qualifying prospects, "winter 1998 (part 1) and spring 1998 (part 2)).

As to claims 12, Noel-Levitz discloses a method for generating applications from candidates interested (evaluating the continued interest of candidates) in attending an educational institution. In particular, Noel-Levitz discloses the claimed "accessing a candidate database containing personal information; profiling the candidates according to criteria established by the educational institution" easily accessible by the admissions counselors and telecounselors who can update individual prospect records with each contact (grading, qualifying and communicating) (page 4-5); segmenting the profiled candidates into a target group; customizing the partial application with personal information from the database (pages 18-19), making all work together, all the way through the funnel); compiling the partial applications which have been electronically completed; transmitting the partial applications to the educational institution; providing a personalized acknowledgement of each partial application received; updating the database with information from the partial application (qualifying helps focus resources on those with the greatest propensity to enroll, wherein in the qualifying process the institution rates the level of prospect interest at the prospect, inquiry, applicant and confirmed stages by identifying and targeting students who are genuinely interested, while eliminating those with little or no interest (grading and qualifying inquiries (Noel-Levitz ([WWW.noellevitz.com](http://WWW.noellevitz.com)), Newsletter archive, Grading and qualifying prospects, "winter 1998 (part 1) and spring 1998 (part 2) pgs 4-6 and 16-20). Noel-Levitz does not explicitly provide a web site containing links to a survey and to a partial application; assigning a unique access number ("PIN") to each candidate in the target group; electronically mailing each candidate in the target group the assigned PIN and an invitation to use the PIN to access the web site; providing each candidate accessing the web site and indicating a continuing interest in the educational institution with electronic access to the

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partial application; for each candidate who electronically accesses the partial application. However, Noel-Levitz continually update the prospective interest profile with each contact (pages 4-5), wherein the qualifying codes help rate and track the prospect's interest in the institution at various stages of the recruiting process (pages 18-19). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have included constructed an electronic survey; assigning a unique access number ("PIN") to each candidate in the target group; electronically mailing each candidate in the target group the assigned PIN and an invitation to use the PIN to access the web site; providing each candidate accessing the web site and indicating a continuing interest in the educational institution with electronic access to the partial application; for each candidate who electronically accesses the partial application in the same conventional system as disclosed by Noel-Levitz, for the advantage of providing a method for profiling an inquiry pool of candidates interested in attending an identified institution of higher learning preliminarily to targeting candidates from the pool with for enrollment, with the ability to increase system effectiveness by automating the process of collecting prospect contact or update information.

As to claims 6, 13 and 14, Noel-Levitz discloses all the limitations of claim 13. In addition, Noel-Levitz offers each candidate invited to submit a complete application an incentive to submit the full application (Noel-Levitz ([WWW.noellevitz.com](http://WWW.noellevitz.com)), Newsletter archive, Grading and qualifying prospects, "winter 1998 (part 1) and spring 1998 (part 2) pgs 8-9; by assuring that all-students with financial needs and academic ability receive the same award regardless of when they apply, and making certain the student has the ability to provide accurate early financial aid

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award estimates 4-6 and 16-20). Providing application incentives for targeted individuals, for example, special scholarship funds or waiver of the application fee and the like is old and well known in marketing plan for recruiting potential candidates for many educational institutions, as evidence of Dugan et al., "Using GMAC data to develop an admission marketing plan, v13n2 pp. 24-31, Winter 1997).

6. Claims 6, and 12-14 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Noel-Levitz ([WWW.noellelevitz.com](http://WWW.noellelevitz.com), Newsletter archive, Grading and qualifying prospects, "winter 1998 (part 1) and spring 1998 (part 2) and Schillewaert et al., (Schillewaert, Niels; Langerak, Fred; Duhamel, Tim, "Non-probability sampling for WWW surveys: a comparison of methods," Journal of the Market Research Society, October 1998.).

As to claims 12, Noel-Levitz discloses a method for generating applications from candidates interested (evaluating the continued interest of candidates) in attending an educational institution. In particular, Noel-Levitz discloses the claimed "accessing a candidate database containing personal information; profiling the candidates according to criteria established by the educational institution" easily accessible by the admissions counselors and telecounselors who can update individual prospect records with each contact (grading, qualifying and communicating) (page 4-5); segmenting the profiled candidates into a target group; customizing the partial application with personal information from the database (pages 18-19), making all work together, all the way through the funnel); compiling the partial applications which have been electronically completed; transmitting the partial applications to the educational institution; providing a personalized acknowledgement of each partial application received; updating the database with

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information from the partial application (qualifying helps focus resources on those with the greatest propensity to enroll, wherein in the qualifying process the institution rates the level of prospect interest at the prospect, inquiry, applicant and confirmed stages by identifying and targeting students who are genuinely interested, while eliminating those with little or no interest (grading and qualifying inquiries (Noel-Levitz ([WWW.noellevitz.com](http://WWW.noellevitz.com)), Newsletter archive, Grading and qualifying prospects, "winter 1998 (part 1) and spring 1998 (part 2) pgs 4-6 and 16-20).

Noel-Levitz does not explicitly (clearly) provide a web site containing links to a survey and to a partial application; assigning a unique access number ("PIN") to each candidate in the target group; electronically mailing each candidate in the target group the assigned PIN and an invitation to use the PIN to access the web site; providing each candidate accessing the web site and indicating a continuing interest in the educational institution with electronic access to the partial application; for each candidate who electronically accesses the partial application.

However, Noel-Levitz continually update the prospective interest profile with each contact (pages 4-5), wherein the qualifying codes help rate and track the prospect's interest in the institution at various stages of the recruiting process (pages 18-19). Since, assigning a unique access number (PIN) to each candidate and electronically mailing each candidate in the target group the assigned PIN and an invitation to use the PIN to access the web site, for example a sponsor paid internet connect time allotment to a user while simultaneously collecting survey data for the sponsor by distributing sponsor provided internet access software to an user by providing a PIN number to the user which PIN number entitles the user to log on to the internet via the sponsor provided software and prompting the user to answer a series of queries, with

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answers forming said survey data as the user logs on to the internet as incentives for targeted individuals, the system allowing said user to browse other internet sites via the sponsor provided software for is old an well known in marketing plan for recruiting potential candidates for many educational institutions, as evidence of Dugan et al., "Using GMAC data to develop an admission marketing plan, v13n2 pp. 24-31, Winter 1997), US Patent no. 6,256,614 (see claims 4 and 12); and US Patent 5,774,869 (see Fig.4, claim 1, 12 and 22).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to use such a well known PIN distribution to potential candidate into Noel-Levitz system for the advantage of providing a method for profiling an inquiry pool of candidates interested in attending an identified institution of higher learning preliminarily to targeting candidates from the pool with for enrollment, with the ability to increase system effectiveness by automating the process of collecting prospect contact or update information.

On the other hand, Schillewaert discloses a method for surveying customers (potential applicants), which includes establishing a web based survey, and inviting the customers to take the survey through several conventional manner (page 1, recruiting respondents). The system disclosed by Schillewaert provides a use of including user password and ID information along with the survey invitation, as a common way for properly securing the survey web-based system and tracking the survey results. The e-mail survey system of Schillewaert serves as a recruitment technique for attracting respondents, in which it invites Internet user to participate.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to combine the teaching of the cited references by assigning a unique access number ("PIN") to each candidate in the target group, and an invitation to use the PIN to



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access the web site in the same conventional manner as disclosed in the web-survey of Schillewaert for the purpose of providing a method for surveying candidates who may be interested in an educational institution, with ability to increase system effectiveness and efficiency by incorporating Internet technology in the surveying process, thereby increasing the automated reach of the system to customers, while decreasing transmission costs (In re Venner, 262 F.2d 91, 95, 120USPQ 193, 194 (CCPA 1958)).

As to claims 6, 13 and 14, Noel-Levitz discloses all the limitations of claim 13. In addition, Noel-Levitz offers each candidate invited to submit a complete application an incentive to submit the full application (Noel-Levitz ([WWW.noellevitz.com](http://WWW.noellevitz.com)), Newsletter archive, Grading and qualifying prospects, "winter 1998 (part 1) and spring 1998 (part 2) pgs 8-9; by assuring that all students with financial needs and academic ability receive the same award regardless of when they apply, and making certain the student has the ability to provide accurate early financial aid award estimates 4-6 and 16-20). Providing application incentives for targeted individuals, for example, special scholarship funds or waiver of the application fee and the like is old and well known in marketing plan for recruiting potential candidates for many educational institutions, as evidence of Dugan et al., "Using GMAC data to develop an admission marketing plan, v13n2 pp. 24-31, Winter 1997).

7. Claims 6, and 12-14 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Noel-Levitz ([WWW.noellevitz.com](http://WWW.noellevitz.com),

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Newsletter archive, Grading and qualifying prospects, "winter 1998 (part 1) and spring 1998 (part 2) and Thomas US Publication No. 2002/0002482.

As to claims 12, Noel-Levitz discloses a method for generating applications from candidates interested (evaluating the continued interest of candidates) in attending an educational institution.

In particular, Noel-Levitz discloses the claimed "accessing a candidate database containing personal information; profiling the candidates according to criteria established by the educational institution" easily accessible by the admissions counselors and telecounselors who can update individual prospect records with each contact (grading, qualifying and communicating) (page 4-5); segmenting the profiled candidates into a target group; customizing the partial application with personal information from the database (pages 18-19), making all work together, all the way through the funnel); compiling the partial applications which have been electronically completed; transmitting the partial applications to the educational institution; providing a personalized acknowledgement of each partial application received; updating the database with information from the partial application (qualifying helps focus resources on those with the greatest propensity to enroll, wherein in the qualifying process the institution rates the level of prospect interest at the prospect, inquiry, applicant and confirmed stages by identifying and targeting students who are genuinely interested, while eliminating those with little or no interest (grading and qualifying inquiries (Noel-Levitz ([WWW.noellevitz.com](http://WWW.noellevitz.com)), Newsletter archive, Grading and qualifying prospects, "winter 1998 (part 1) and spring 1998 (part 2) pgs 4-6 and 16-20). Noel-Levitz does not explicitly provide a web site containing links to a survey and to a partial application; assigning a unique access number ("PIN") to each candidate in the target group; electronically mailing each candidate in the target group the assigned PIN and an

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invitation to use the PIN to access the web site; providing each candidate accessing the web site and indicating a continuing interest in the educational institution with electronic access to the partial application; for each candidate who electronically accesses the partial application.

However, Noel-Levitz continually update the prospective interest profile with each contact (pages 4-5), wherein the qualifying codes help rate and track the prospect's interest in the institution at various stages of the recruiting process (pages 18-19). Since, assigning a unique access number (PIN) to each candidate and electronically mailing each candidate in the target group the assigned PIN and an invitation to use the PIN to access the web site, for example a sponsor paid internet connect time allotment to a user while simultaneously collecting survey data for the sponsor by distributing sponsor provided internet access software to an user by providing a PIN number to the user which PIN number entitles the user to log on to the internet via the sponsor provided software and prompting the user to answer a series of queries, with answers forming said survey data as the user logs on to the internet as incentives for targeted individuals, the system allowing said user to browse other internet sites via the sponsor provided software for is old an well known in marketing plan for recruiting potential candidates for many educational institutions, as evidence of Dugan et al., "Using GMAC data to develop an admission marketing plan, v13n2 pp. 24-31, Winter 1997), US Patent no. 6,256,614 (see claims 4 and 12); and US Patent 5,774,869 (see Fig.4, claim 1, 12 and 22).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to use such a well known PIN distribution to potential candidate into Noel-Levitz system for the advantage of providing a method for profiling an inquiry pool of candidates interested in attending an identified institution of higher learning preliminarily to

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targeting candidates from the pool with for enrollment, with the ability to increase system effectiveness by automating the process of collecting prospect contact or update information.

On the other hand, Thomas discloses a method for surveying customer (potential applicants), which includes providing a web site containing links to a survey and to a partial application; assigning a unique access number ("PIN") to each candidate in the target group (paragraph 0048); electronically mailing each candidate in the target group the assigned PIN and an invitation to use the PIN to access the web site; providing each candidate accessing the web site and indicating a continuing interest in the educational institution with electronic access to the partial application; for each candidate who electronically accesses the partial application (paragraph 0065).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to combine the teaching of the cited references by assigning a unique access number ("PIN") to each candidate in the target group; electronically mailing each candidate in the target group the assigned PIN and an invitation to use the PIN to access the web site; providing each candidate accessing the web site in the same conventional manner as disclosed in the web-survey of Thomas for the purpose of providing a method for surveying candidates who may be interested in an educational institution, with ability to increase system effectiveness and efficiency by incorporating Internet technology in the surveying process, thereby increasing the automated reach of the system to customers, while decreasing transmission costs (In re Venner, 262 F.2d 91, 95, 120USPQ 193, 194 (CCPA 1958)).

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As to claims 6, 13 and 14, Noel-Levitz discloses all the limitations of claim 13. In addition, Noel-Levitz offers each candidate invited to submit a complete application an incentive to submit the full application (Noel-Levitz ([WWW.noellevitz.com](http://WWW.noellevitz.com)), Newsletter archive, Grading and qualifying prospects, "winter 1998 (part 1) and spring 1998 (part 2) pgs 8-9; by assuring that all students with financial needs and academic ability receive the same award regardless of when they apply, and making certain the student has the ability to provide accurate early financial aid award estimates 4-6 and 16-20). Providing application incentives for targeted individuals, for example, special scholarship funds or waiver of the application fee and the like is old and well known in marketing plan for recruiting potential candidates for many educational institutions, as evidence of Dugan et al., "Using GMAC data to develop an admission marketing plan, v13n2 pp. 24-31, Winter 1997).

***Remark***

8. Applicant asserted that the office action admits that Noel-Levitz does not disclose the use of offering each candidate invited to submit a complete application an incentive to submit the full application. Therefore the anticipation is improper. The examiner disagrees with the precedent assertion. The heading of the US statute code was a typographical error. Indeed the claims are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious. The office position with respect to the abovementioned limitation is that Noel-Levitz offers each candidate invited to submit a complete application an incentive to submit the full application (Noel-Levitz ([WWW.noellevitz.com](http://WWW.noellevitz.com)), Newsletter archive, Grading and qualifying prospects, "winter 1998 (part 1) and spring 1998 (part 2) pgs 8-9; by assuring that

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all students with financial needs and academic ability receive the same award regardless of when they apply, and making certain the student has the ability to provide accurate early financial aid award estimates 4-6 and 16-20). Providing application incentives for targeted individuals, for example, special scholarship funds or waiver of the application fee and the like is old and well known in marketing plan for recruiting potential candidates for many educational institutions, as evidence of Dugan et al., "Using GMAC data to develop an admission marketing plan, v13n2 pp. 24-31, Winter 1997), US Patent no. 6,256,614 (see claims 4 and 12); and US Patent 5,774,869 (see Fig.4, claim 1, 12 and 22).

9. Applicant asserted that Schillewaert fails to provide the use of user password and ID information along with the survey invitation. The examiner has carefully considered the subject matter as argued, the rejections advanced by the examiner, and the evidence of obviousness relied upon by examiner as support for the rejections. In rejecting the claims under 35 U.S.C. 103, it is incumbent upon the examiner to establish a factual basis to support the legal conclusion of obviousness and to provide a reason why one having ordinary skill in the pertinent art would have been led to modify the prior art or to combine prior art references to arrive at the claimed invention. Such reason must stem from some teaching, suggestion or implication in the prior art as a whole or knowledge generally available to one having ordinary skill in the art. These showings by the examiner are an essential part of complying with the burden of presenting a prima facie case of obviousness. The examiner's position with respect to the assertion above is that Schillewaert discloses an analogous system for surveying customers (potential applicants), which includes establishing a web based survey, and inviting the customers to take the survey

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through several conventional manner (page 1, recruiting respondents). The system disclosed by Schillewaert provides a use of including user password and ID information along with the survey invitation, as a common way for properly securing the survey web-based system and tracking the survey results. The e-mail survey system of Schillewaert serves as a recruitment technique for attracting respondents, in which it invites Internet user to participate.

10. Applicant asserted that the office admits that Noel-Levitz does not explicitly provide a web site containing links to a survey and to a partial application; assigning a unique access number ("PIN") to each candidate in the target group; electronically mailing each candidate in the target group the assigned PIN and an invitation to use the PIN to access the web site; providing each candidate accessing the web site and indicating a continuing interest in the educational institution with electronic access to the partial application; for each candidate who electronically accesses the partial application. Applicant should duly note that the office action makes it *clear that Noel-Levitz does not explicitly disclose*, which means that Noel-Levitz does disclose the abovementioned limitation not in great detail. The office kindly submitted that Noel-Levitz continually update the prospective interest profile with each contact (pages 4-5), wherein the qualifying codes help rate and track the prospect's interest in the institution at various stages of the recruiting process (pages 18-19). Since, assigning a unique access number (PIN) to each candidate and electronically mailing each candidate in the target group the assigned PIN and an invitation to use the PIN to access the web site, for example a sponsor paid internet connect time allotment to a user while simultaneously collecting survey data for the sponsor by distributing sponsor provided internet access software to an user by providing a PIN number to the user which PIN number entitles the user to log on to the internet via the sponsor provided software

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and prompting the user to answer a series of queries, with answers forming said survey data as the user logs on to the internet as incentives for targeted individuals, the system allowing said user to browse other internet sites via the sponsor provided software for is old an well known in marketing plan for recruiting potential candidates for many educational institutions, as evidence of Dugan et al., "Using GMAC data to develop an admission marketing plan, v13n2 pp. 24-31, Winter 1997), US Patent no. 6,256,614 (see claims 4 and 12); and US Patent 5,774,869 (see Fig.4, claim 1, 12 and 22). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to use such a well known PIN distribution to potential candidate into Noel-Levitz system for the advantage of providing a method for profiling an inquiry pool of candidates interested in attending an identified institution of higher learning preliminarily to targeting candidates from the pool with for enrollment, with the ability to increase system effectiveness by automating the process of collecting prospect contact or update information.

11. Applicant asserted that Thomas fails to provide disclosures for providing an incentive, and providing access to a partial application. The examiner has carefully considered the subject matter as argued, the rejections advanced by the examiner, and the evidence of obviousness relied upon by examiner as support for the rejections. In rejecting the claims under 35 U.S.C. 103, it is incumbent upon the examiner to establish a factual basis to support the legal conclusion of obviousness and to provide a reason why one having ordinary skill in the pertinent art would have been led to modify the prior art or to combine prior art references to arrive at the claimed invention. Such reason must stem from some teaching, suggestion or implication in the prior art as a whole or knowledge generally available to one having ordinary skill in the art. These



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showings by the examiner are an essential part of complying with the burden of presenting a prima facie case of obviousness. The examiner's position with respect to the assertion above is that Noel-Levitz offers each candidate invited to submit a complete application an incentive to submit the full application (Noel-Levitz ([WWW.noellevitz.com](http://WWW.noellevitz.com)), Newsletter archive, Grading and qualifying prospects, "winter 1998 (part 1) and spring 1998 (part 2) pgs 8-9; by assuring that all students with financial needs and academic ability receive the same award regardless of when they apply, and making certain the student has the ability to provide accurate early financial aid award estimates 4-6 and 16-20). Providing application incentives for targeted individuals, for example, special scholarship funds or waiver of the application fee and the like is old and well known in marketing plan for recruiting potential candidates for many educational institutions, as evidence of Dugan et al., "Using GMAC data to develop an admission marketing plan, v13n2 pp. 24-31, Winter 1997). However, when read and analyzed in light of the specification, the invention as claimed does not support Applicants' assertions. Moreover, the claims do not capture the essence of the invention as argued in applicants' remark. The aforementioned assertions, wherein the disclosures for providing an incentive and providing access to a partial application fails to disclose by Thomas, was unsupported by objective factual evidence and was not found to be substantial evidentiary value. The office is clearly stated that Noel-Levitz offers each candidate invited to submit a complete application an incentive to submit the full application (Noel-Levitz ([WWW.noellevitz.com](http://WWW.noellevitz.com)), Newsletter archive, Grading and qualifying prospects, "winter 1998 (part 1) and spring 1998 (part 2) pgs 8-9; by assuring that all students with financial needs and academic ability receive the same award regardless of when they apply, and making certain the student has the ability to provide accurate early financial aid award

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estimates 4-6 and 16-20). Providing application incentives for targeted individuals, for example, special scholarship funds or waiver of the application fee and the like is old and well known in marketing plan for recruiting potential candidates for many educational institutions, as evidence of Dugan et al., "Using GMAC data to develop an admission marketing plan, v13n2 pp. 24-31, Winter 1997). Based on the Applicant's arguments, it is clearly shown that the applicant is strongly agreed and admitted that providing application incentives for targeted individuals is old and well known, since the rejection with respect to the above limitation is not argued by the Applicant. Applicant should be clear that Thomas was not relied upon to provide an incentive. So, the aforementioned assertion is moot.

Thus, for the above reasons, it is believed that the rejection under 35 U.S.C. 102/103 provides substantial evidence to support the rationale statement in the above rejection, and the rejection under 35 U.S.C. 102/103 should be sustained.

### ***Conclusion***

12. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

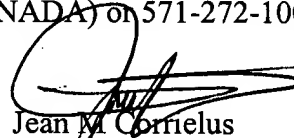
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however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jean M. Corrielus whose telephone number is (571) 272-4032. The examiner can normally be reached on 10 hours shift.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Breene can be reached on (571) 272-4107. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Jean M. Corrielus  
Primary Examiner  
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